

**City of York Board of Zoning Appeals  
Minutes  
November 14, 2022**

**Members Present:**

Chairperson James Ramere  
Rodney Blair  
Jill Neff  
Bryant Brown  
Becca Caldwell  
Myra Sinz

**Members absent:**

Strauss Shiple

**Others present:**

Planning Director Breakfield  
Zoning Administrator Blackston  
Planner Kim Womble  
(See sign – in sheet)

Chairperson James Ramere called the meeting to order at 6:00 pm.

**The first item of business** was approval of the draft Minutes from the October 10, 2022 meeting. Upon a Motion by Becca Caldwell, seconded by James Ramere, the Board of Zoning Appeals (BZA) unanimously approved the Minutes as submitted.

**The second item of business** was a special exception request regarding subdivision signage for Fergus Crossing Subdivision located on Alexander Love Highway across from Cooperative Way.

Chairperson Ramere convened a public hearing regarding the application, announced an order of business for the public hearing and requested that City staff provide information regarding the application.

Zoning Administrator Blackston indicated the following regarding the application:

1. As Chairperson Ramere noted, the third item of business was a special exception application regarding subdivision signage for Fergus Crossing Subdivision located on Alexander Love Highway across from Cooperative Way.
2. The applicant is Icon Custom Masonry and the property is referenced by York County Tax Map Id #'s 3480000006 & 3950000005.
3. The property is currently zoned PUD – Planned Unit Development.
4. The approved PUD application for this project specified that such proposed signage must be reviewed through the special exception process via the Board of Zoning Appeals.
5. Per the application and supporting information included in the meeting packet, the applicant proposed to place subdivision identification signage for the proposed subdivision in the noted location.
6. The Board has previously approved applications for other subdivisions.

7. Since the property is located in the City's Gateway Corridor Overlay District, the applicant must submit a certificate of appropriateness application for consideration by the Board of Architectural Review (BAR).
8. Any approval should be conditioned on the signage complying with required setback, line-of-sight, etc. requirements as well as approval by the BAR.
9. As the special exception application and supporting information are reviewed, the BZA must be mindful that the following criteria must be met before a special exception can be issued. **The criteria should be included and addressed in a BZA Motion.**
  - a. The proposed design and location of the particular development.
  - b. The possible traffic-generating characteristics of the proposed development.
  - c. The effects of the proposed development on the present or intended character of the area in which it is proposed for location.
  - d. The availability of public utilities, facilities and services.
10. The BZA has a maximum of 75 days from the initial public hearing regarding this application to make a decision regarding such applications; otherwise, the application is deemed approved.
11. If the application is denied by the BZA, the same application cannot be submitted again for a period of at least one (1) year.
12. The BZA must conduct a public hearing(s), receive public feedback and make a final decision on the matter. The public hearing for this application is scheduled for this meeting.
13. As with all public hearings, the agenda was posted to a local newspaper, the City's website and at York City Hall; all adjacent property owners were notified by mail; the Public Hearing was duly advertised in a local newspaper and Public Hearing signage was posted on each affected property.

After closing the public hearing, discussion by the BZA and upon a Motion by Becca Caldwell, seconded by Bryant Brown, the BZA unanimously conditionally approved the sign application as submitted based on approval ultimately being given by the Board of Architectural Review, compliance with all City requirements (including line-of-sight) and the sign height not exceeding that previously approved for the Abrial Ridge signage. The Board noted it was flexible on the 2 designs.

**The third item of business** was a variance request regarding landscape/buffer requirements for property at 216 East Jefferson Street beside the McCelvey Center.

Chairperson Ramere convened a public hearing regarding the application, announced an order of business for the public hearing and requested that City staff provide information regarding the application.

Planning Director Breakfield indicated the following regarding the application:

1. As Chairperson Ramere noted, the second item of business was a variance application regarding landscape/buffer requirements for property beside the McCelvey Center.
2. The applicant is York County Government and Culture & Heritage Museums and the property is referenced by York County Tax Map Id 0701005030.
3. The property is currently zoned IU – Institutional Use District & Local Historic District.
4. The Zoning Ordinance specified that a type B buffer yard is required between a house and an adjacent non-residential use.

5. A type B buffer yard must be at least 15-ft wide and is defined as (for each 100 feet) forty evergreen trees planted six feet apart with adjacent rows staggered to maximize the screening effect. For dimensions other than 100 feet, an appropriate ratio of landscaping components shall be provided. Fractions shall be rounded to the nearest whole number. A minimum six-foot-tall privacy fence shall be installed along each applicable property line on the commercial side of the aforementioned landscaping components where the planted trees are not at least 6-ft tall. The fence may be removed with City of York approval, once the aforementioned landscaping components reach a size adequate to serve as a bufferyard.
6. Per the provided application and supporting information, the applicant proposed to subdivide the existing property to create a separate lot for the smaller structure/ house located next to the McCelvey Center. Currently, the subject structure is located on the same property as the McCelvey Center. The subdivision of property would trigger the requirement for a buffer yard between the structure and the McCelvey Center property.  
The applicant requested a variance to completely omit the required buffer yard. City staff has advised the applicant that a buffer yard- even a reduced one at the Board's discretion- would be appropriate since the effected structure/ lot could be sold to a person that has no affiliation with the McCelvey Center.
7. As the variance application and supporting information are reviewed, the BZA must be mindful that the following criteria must be met before a variance can be issued. The criteria should be included and addressed in a BZA Motion:
  - a. There are extraordinary and exceptional conditions pertaining to the particular piece of property;
  - b. These conditions do not generally apply to other property in the vicinity;
  - c. Because of these conditions, the application of the ordinance to the particular piece of property would effectively prohibit or unreasonably restrict the utilization of the property; and
  - d. The authorization of a variance will not be of substantial detriment to adjacent property or the public good, and the character of the district will not be harmed by the granting of the variance.
8. The BZA has a maximum of 75 days from the initial public hearing regarding this application to make a decision regarding such applications; otherwise, the application is deemed approved.
9. If the application is denied by the BZA, the same application cannot be submitted again for a period of at least one (1) year.
10. The BZA must conduct a public hearing(s), receive public feedback and make a final decision on the matter. The public hearing for this application is scheduled for this meeting.
11. As with all public hearings, the agenda was posted to a local newspaper, the City's website and at York City Hall; all adjacent property owners were notified by mail; the Public Hearing was duly advertised in a local newspaper and Public Hearing signage was posted on each affected property.

After closing the public hearing, discussion by the BZA and upon a Motion by Becca Caldwell, seconded by Bryant Brown, the BZA unanimously tabled the application until the January meeting to give the County and City attorneys time to discuss and provide feedback on the matter.

There being no further business, the meeting was adjourned at 6:34 pm.

Respectfully submitted,

C. David Breakfield Jr., MCP, AICP  
Planning Director

Amanda C. Blackston  
Zoning Administrator

cc: City Manager Dalton Pierce  
File- Board of Zoning Appeals 11/14/2022